



Reprinted  
March 5, 1999

## HOUSE BILL No. 1952

DIGEST OF HB 1952 (Updated March 4, 1999 4:27 pm - DI 92)

**Citations Affected:** IC 4-23.

**Synopsis:** Smart growth land conservation. Establishes the Indiana smart growth council. Establishes the Hoosier legacy fund to provide matching funds to eligible projects under the United States Department of Agriculture's farmland preservation and forest legacy programs. Provides that certain state agencies may develop smart growth policies that: (1) promote the conservation of natural resources; (2) promote the revitalization of urban areas; (3) promote the cost effective expenditure of state funds to support growth related projects in areas already served by water and sewer infrastructure; and (4) minimize the conversion of agricultural and forest lands in unincorporated areas to industrial, commercial, or residential uses.

**Effective:** July 1, 1999.

### Summers

January 27, 1999, read first time and referred to Committee on Ways and Means.  
March 1, 1999, amended, reported — Do Pass.  
March 4, 1999, read second time, amended, ordered engrossed.

HB 1952—LS 8008/DI 92+



C  
o  
p  
y

Reprinted  
March 5, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1952

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 4-23-26 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 1999]:

4 **Chapter 26. Indiana Smart Growth Council**

5 **Sec. 1. As used in this chapter, "council" means the Indiana**  
6 **smart growth council established by section 5 of this chapter.**

7 **Sec. 2. As used in this chapter, "funding agency" means:**

- 8 (1) the Indiana department of transportation;  
9 (2) the department of commerce;  
10 (3) the department of environmental management; and  
11 (4) any other agency that distributes state or federal money  
12 for growth related projects.

13 **Sec. 3. (a) As used in this chapter, "growth related project"**  
14 **means a public or private construction or development project that**  
15 **encourages, contributes to, or supports growth. The term includes**  
16 **highway projects, sewer and water construction projects, state**  
17 **office facility construction projects, and all types of infrastructure**

HB 1952—LS 8008/DI 92+



1 projects.

2 (b) The term does not include a highway construction project if  
3 the project does not encourage growth or development and one (1)  
4 of the following purposes is the sole purpose of the project:

- 5 (1) Repair or maintenance.
- 6 (2) Safety improvements.
- 7 (3) Meeting a demonstrated, existing traffic demand.

8 Sec. 4. As used in this chapter, "priority funding area" means  
9 a specific area:

- 10 (1) defined by the boundaries of a municipality existing on  
11 July 1, 1999; or
- 12 (2) zoned industrial and served by a public or community  
13 water and sewer system and contiguous to the boundary of a  
14 municipality.

15 Sec. 5. The Indiana smart growth council is established. The  
16 council consists of the following members:

- 17 (1) The lieutenant governor.
- 18 (2) The assistant commissioner of agriculture.
- 19 (3) The director of the department of natural resources.
- 20 (4) The commissioner of the department of environmental  
21 management.
- 22 (5) Two (2) members of the senate appointed by the president  
23 pro tempore of the senate.
- 24 (6) Two (2) members of the house of representatives  
25 appointed by the speaker of the house of representatives.
- 26 (7) A representative of the Indiana economic development  
27 council.
- 28 (8) An individual representing urban interests appointed by  
29 the governor.
- 30 (9) An individual representing agricultural interests  
31 appointed by the governor.
- 32 (10) An individual representing environmental interests  
33 appointed by the governor.
- 34 (11) An individual representing historic preservation interests  
35 appointed by the governor.
- 36 (12) An individual representing business and industry  
37 appointed by the governor.
- 38 (13) An individual representing local governments appointed  
39 by the governor.
- 40 (14) An individual representing forestry interests appointed  
41 by the governor.

42 Sec. 6. Not more than nine (9) of the members of the council



may be members of the same political party.

Sec. 7. Each member of the council is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

Sec. 8. The council shall perform the following duties:

(1) Develop, compile, and distribute information and technical documents related to the following:

(A) Land use facts and trends.

(B) Urban and rural planning.

(C) Economic development policies.

(D) Computer based planning systems, including geographic information systems.

(2) Provide technical and planning assistance to local units of government related to the following:

(A) A unit's participation in the smart growth program.

(B) Local planning and zoning.

(C) Local economic development planning.

(3) Develop procedures for public involvement in the council's meetings and decision making.

(4) Provide a forum for discussion of interagency issues relating to activities that affect growth, development, neighborhood conservation, and resource conservation and management.

(5) Review all growth related projects of funding agencies for compliance with this chapter.

Sec. 9. (a) The Hoosier legacy fund is established for the purpose of providing matching funds for eligible projects under the United States Department of Agriculture (USDA) farmland preservation program and the USDA forest legacy program. The fund shall be administered by the department of natural resources.

(b) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Gifts and donations intended for deposit in the fund.

(3) Federal grants or money available for deposit into the fund.

(4) Money from any other source.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.



1 (e) Money in the fund at the end of a state fiscal year does not  
2 revert to the state general fund.

3 Sec. 10. (a) A funding agency may develop smart growth policies  
4 related to economic development, infrastructure development,  
5 planning, and funding programs that:

6 (1) promote the conservation of natural resources, including  
7 the protection of agricultural and forest lands;

8 (2) promote the revitalization of urban areas;

9 (3) promote the cost effective expenditure of state funds to  
10 support growth related projects in areas already served by  
11 water and sewer infrastructure; and

12 (4) minimize the conversion of agricultural and forest lands in  
13 unincorporated areas to industrial, commercial, or residential  
14 uses.

15 (b) Smart growth policies developed under this section must be  
16 developed with public input and in coordination with the activities  
17 of the Indiana smart growth council.

C  
o  
p  
y



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1952, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.  
 Page 2, delete lines 1 through 21.  
 Page 3, delete lines 18 through 22.  
 Page 3, line 23, delete "(9)" and insert "(5)".  
 Page 3, line 25, delete "(10)" and insert "(6)".  
 Page 3, line 27, delete "(11)" and insert "(7)".  
 Page 3, line 29, delete "(12)" and insert "(8)".  
 Page 3, line 31, delete "(13)" and insert "(9)".  
 Page 3, line 33, delete "(14)" and insert "(10)".  
 Page 3, delete lines 35 through 36.  
 Page 3, line 37, delete "(16)" and insert "(11)".  
 Page 3, line 39, delete "(17)" and insert "(12)".  
 Page 3, line 41, delete "(18)" and insert "(13)".  
 Page 4, delete lines 1 through 6.  
 Page 4, line 7, delete "twelve (12)" and insert "**eight (8)**".  
 Page 4, delete lines 14 through 24.  
 Page 4, line 25, delete "(4)" and insert "(1)".  
 Page 4, line 32, delete "(5)" and insert "(2)".  
 Page 4, line 37, delete "(6)" and insert "(3)".  
 Page 4, line 39, delete "(7)" and insert "(4)".  
 Page 5, line 1, delete "(8)" and insert "(5)".  
 Page 5, delete lines 21 through 42.  
 Delete pages 6 through 8.  
 Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1952 as introduced.)

BAUER, Chair

Committee Vote: yeas 19, nays 3.

HB 1952—LS 8008/DI 92+



## HOUSE MOTION

Mr. Speaker: I move that House Bill 1952 be amended to read as follows:

Page 2, between lines 39 and 40, begin a new line block indented and insert:

**"(14) An individual representing forestry interests appointed by the governor."**

Page 2, line 40, delete "eight (8)" and insert **"nine (9)"**.

Page 3, after line 42, begin a new paragraph and insert:

**"Sec. 10. (a) A funding agency may develop smart growth policies related to economic development, infrastructure development, planning, and funding programs that:**

- (1) promote the conservation of natural resources, including the protection of agricultural and forest lands;**
- (2) promote the revitalization of urban areas;**
- (3) promote the cost effective expenditure of state funds to support growth related projects in areas already served by water and sewer infrastructure; and**
- (4) minimize the conversion of agricultural and forest lands in unincorporated areas to industrial, commercial, or residential uses.**

**(b) Smart growth policies developed under this section must be developed with public input and in coordination with the activities of the Indiana smart growth council."**

(Reference is to HB 1952 as printed March 2, 1999.)

SUMMERS

C  
o  
p  
y

